

**MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
JULY 9, 2014
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call were: Scherer, Olsen, Platteter, Carr, Forrest, Staunton

Members absent from roll: Kilberg, Halva, Schroeder, Lee

III. APPROVAL OF MEETING AGENDA

Chair Staunton reported that Agenda Items VI. A. Mount Properties; 6500 France and VI. D. Frauenshuh, 5108 Edina Industrial Boulevard are continued to the next meeting of the Planning Commission on July 23, 2014.

Chair Staunton added another item to the agenda: Ordinance Amendment – I-foot requirement.

Commissioner Carr moved approval of the July 9, 2014 meeting agenda with said changes. Commissioner Scherer seconded the motion. All voted aye; motion carried.

IV. COMMUNITY COMMENT

Chair Staunton asked if anyone would like to speak; being none, Commissioner Olsen moved to close community comment. Commissioner Platteter seconded the motion. All voted aye; public comment closed.

V. PUBLIC HEARINGS

B. Whiteman. 3932/34 West 49th Street, Edina, MN

Planner Presentation

Planner Teague informed the Commission the subject property is 82 feet in width and is a 10,108 square foot lot developed with a double dwelling unit located north of 49th Street and is zoned R-2, Double Dwelling Unit District. The property owner is hoping to demolish the existing double for the construction of a new double dwelling home.

Planner Teague explained the ordinance requires a double dwelling unit lot consist of no less than 90

feet in width and a minimum of 15,000 square feet. The 82 foot wide lot consists of 10,108 square feet, so it is therefore 8 feet short in width and 4,892 square feet short of the minimum 15, 000 square foot area requirement. The existing double dwelling unit was built in 1953 and pre-dates the current lot area requirements.

Planner Teague concluded that staff recommends that the Planning Commission approve the variance on the following findings:

- 1) With the exception of the variances requested, the proposal would meet the required standards and ordinances for the R-2, Double Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it is consistent with existing conditions.
- 3) The imposed lot area does not allow redevelopment of the property without the benefit of a variance or a zone change.

Approval of the variance is also subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions survey dated stamped May 29, 2014 and building and elevated dates stamped May 1, 2014.

Appearing for the Applicant

_Paul Whiteman and Tom Philbrook

Applicant Presentation

Mr. Philbrook addressed the Commission and explained in response to previous comments from the Commission the driveway was narrowed to brick paver driveway strips and building wall articulation was added to the sidewall to break up the mass. Continuing, Philbrook said he also worked with the neighbors to the east on a landscaping plan. Concluding, Philbrook stood for questions.

Discussion

Commissioner Carr stated she appreciates the sidewall articulation and asked Mr. Philbrook if the site requires retaining walls; and if so, at what height. Philbrook responded in the affirmative, adding all walls are under 4-feet.

Chair Staunton asked Planner Teague what's included in hardcover calculations. Planner Teague responded from a zoning standpoint hardcover includes the structure and any outbuildings with a one-time 150 square foot allowance for a deck/patio. Teague said he would defer to Ross Bintner, Environmental Engineer for further clarification on what he views for storm-water management analysis.

Commissioner Platteter questioned the two driveways indicating he would prefer one as previously mentioned. Platteter said in his opinion the entire site appears “covered”.

Mr. Philbrook responded the two driveways are market driven; adding each unit typically prefers its own driveway because it affords more privacy. Philbrook said in his opinion the paver strips minimize impact vs. one solid driveway.

Commissioner Carr suggested that pavers could be used in other areas to minimize impact from drainage.

Mr. Philbrook commented that the structure was designed to meet code.

A discussion ensued on lot coverage requirements in the zoning ordinance vs. hardcover (what’s out there). Planner Teague acknowledged that the proposal as presented meets all zoning ordinance requirements for lot coverage and setbacks. The variances requested are for lot width and lot area, adding when the subject lot was platted it met code; however, since that time the code was amended and now the lot is nonconforming; requiring variances.

Ross Bintner addressed the Commission and explained that this afternoon the applicants submitted to him a revised plan. Bintner said in his opinion the standards were met and the lot coverage they indicated at 24.6% was correct. Bintner acknowledged that the Planning Commission looks at this request from a land use perspective; however, his perspective is different. Bintner stated the plan submitted July 9th met engineering review standards.

A discussion ensued on the difference between Planning and Engineering requirements with regard to drainage and storm water maintenance and the fact that the drainage and grading plan was submitted immediately prior to this meeting and that the Commission had no time to review the new plans.

Commissioner Carr asked Mr. Bintner if at the end of the day has the engineering standards been met and if he was comfortable with his assessment. Mr. Bintner responded in the affirmative; reiterating the plans submitted on July 9th are acceptable him. Previous plans were not.

Public Hearing

Chair Staunton opened the public hearing.

Jim Stromberg, 3940 49th St. West informed Commissioners he lives in the neighboring house, adding he likes the proposal as submitted and would welcome this rebuild into the neighborhood. Stromberg pointed out this neighborhood is currently a neighborhood of change, reiterating he likes the plan as presented.

Chair Staunton asked if anyone else would like to speak to the issue; being none, Commissioner Platteter moved to close the public hearing. Commissioner Olsen seconded the motion. All voted aye; motion carried.

Continued Discussion

Commissioner Olsen stated as she mentioned at the last meeting she believes one driveway is adequate; not two as proposed.

Commissioner Carr stated she supports the request; adding in her opinion the standards have been met.

Motion

Commissioner Carr moved variance approval based on staff findings and subject to staff conditions with the additional condition that the applicant present to City Staff a copy of the plans submitted to Mr. Bintner on July 9, 2014. Commissioner Platteter seconded the motion. Ayes; Scherer, Olsen, Platteter, Carr, Forrest. Nays; Olsen, Staunton. Motion carried. 4-2

C. Site Plan Review with Variances. Mesaba Capital Partners, 7151 York Avenue, Edina, MN

Planner Presentation

Planner Teague informed the Commission Mesaba Capital is requesting review of a proposal to build a four-story 100-unit senior assisted living building west of the existing Yorktown Continental Senior Living apartments at 7151 York Avenue. The housing would include 70 units of senior housing with services and 30 memory care units. Ten percent (10%) of the units would be for residents below 50% median income level. Features of the building include congregate dining with three meals provided per day; private dining; a coffee shop; a lounge area on each floor; a library; a computer room; a craft room and a fitness facility. Parking is provided underneath the building. The existing surface lot for the 12-story building has been relocated to the east side of the building and the number of surface stalls for that building increased from 123 surface stall to 140. Teague reported that the Planning Commission and City Council have considered sketch plan reviews of the subject property in 2013 and 2014

Planner Teague noted to accommodate the request; the following land use applications are requested:

- Site Plan Review to construct the new 4-story building;
- Front Yard Setback Variance from 46 feet to 20 feet;
- Density Variance to allow 364 total units on the site from 182 units allowed under current zoning (the existing building is nonconforming with 264 units);
- Parking Variance from 194 exposed and 91 enclosed spaces to 162 exposed and 64 enclosed; and
- Variances to allow one bedroom units under 500 square feet, and two bedroom units over 850 square feet.
- Preliminary Plat.

Planner Teague concluded that staff recommends that the City Council approve the Site Plan with the proposed variances at 7151 York Avenue based on the following findings:

1. The proposed new building would be separated and screened from the single-family homes to the east by the existing 12-story building.
2. There are adequate utilities to support the site.
3. The traffic and parking study done by WSB concludes that the existing roadways can support the proposed project, and there would be adequate parking provided.
4. The Comprehensive Plan allows density for senior housing to exceed 30 units per acre under the following circumstances: Proximity to hospitals, proximity to low density uses, utilities capacity, level of transit service available, and impact on adjacent roads. Other desired items to allow greater density for senior housing would include: Below grade parking, provision of park or open space, affordable housing, sustainable design principles, and provision of public art. The proposed project is located close to the Fairview Southdale Hospital; the building is separated from low density residential housing by the existing 12-story building; there is adequate utility capacity to serve the site; transit service is available on York Avenue; and a traffic study was done, and determined that the project could be supported by the existing roads. The parking for the new building would be enclosed and underground. Open space is provided between the two buildings, with sidewalk connections. The applicant is proposing 10% of the units to be for affordable housing.
5. The variance criteria are met.
 - a. The practical difficulty is the location of the existing building located in the middle of the site. The applicant has located the building up close to the street to create an active environment with pedestrian connections.
 - b. The building could be shifted back to meet the setback requirement. However, in doing so the green space proposed between the two buildings would be lost.
 - c. Minimum and maximum unit dwelling units was intended to promote affordable housing. The applicant is also proposing 10% of the units for affordable housing, in addition to the 263 existing affordable units on the site.
 - d. The larger two bedroom units over 850 square feet are reasonable to promote a variety of housing options within the development.
 - e. The unique circumstance is the existing location of the building on the site, which does not have any underground parking. It has been the city's general policy with previous similar requests, to not build parking stalls when they are not needed.
 - f. The proposal will not alter the essential character of the neighborhood. The proposed new structure would be designed to be integrated and complement the existing 12-story building. The new 4-story building being brought up close to York Avenue would be consistent with recent development on France and York, with buildings being brought close to the street to engage it and create a more pedestrian friendly environment.
6. The proposed project would meet the following goals and policies of the Comprehensive Plan:
 - a. Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment.
 - b. Movement Patterns.

- Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
- A Pedestrian-Friendly Environment.
- c. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.
- d. Incorporate principles of sustainability and energy conservation into all aspects of design, construction, renovation and long-term operation of new and existing development.
- e. Buildings should be placed in appropriate proximity to streets to create pedestrian scale. Buildings “step down” at boundaries with lower-density districts and upper stories “step back” from street.

Approval is also subject to the following Conditions:

- I. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site plan date stamped June 13, 2014.
 - Grading plan date stamped June 13, 2014.
 - Utility plan date stamped June 13, 2014.
 - Landscaping plan date stamped June 13, 2014.
 - Building elevations date stamped June 13, 2014
 - Building materials board as presented at the Planning Commission and City Council meeting.
2. Prior the issuance of a building permit, a final landscape plan must be submitted, subject to staff approval. Additionally, a performance bond, letter-of-credit, or cash deposit must be submitted for one and one-half times the cost amount for completing the required landscaping, screening, or erosion control measures.
3. The property owner is responsible for replacing any required landscaping that dies.
4. Submit a copy of the Nine Mile Creek Watershed District permit. The City may require revisions to the approved plans to meet the district’s requirements.
5. Sustainable design principles must be used per the applicant narrative.
6. Compliance with all of the conditions outlined in the city engineer memo dated June 25, 2014.
7. The Final Lighting Plan must meet all minimum landscaping requirements per Section 36 of the Zoning Ordinance.
8. Ten percent (10%) of the housing units shall be designated for affordable housing.
9. Sustainable design principles must be used per the applicant narrative. Attempts must be made meet an energy savings goal of 10% over state energy code guidelines.
10. Prior to issuance of a building permit the easement along York Avenue would have to be vacated, and utilities (if any) relocated.
11. Signage shall be allowed for both the existing and proposed buildings/lots per the PSR-4 standards outlined in Section 36, Article XIII in the City Code.

Teague further recommended that the City Council approve the Preliminary Plat to create a new two lot subdivision at 7151 York Avenue for the proposed project subject to the following findings:

- I. The proposed plat meets all Zoning and Subdivision Ordinance requirements.

Approval is also subject to the following conditions:

- I. The Final Plat must be considered within one-year after approval of the Preliminary Plat, or the Preliminary Plat shall be deemed null and void.
3. A shared parking and access agreement must be established across the Plat.
4. The Park Dedication fee of \$500, 00 shall be paid prior to release of the mylars approving the Final Plat.

Appearing for the Applicant

Della Koplin, Mesaba Capital

Discussion

Chair Staunton asked Planner Teague what the affordable unit count is for this project. Planner Teague responded that the affordable element is proposed at 10 units out of 100 units. Staunton further asked Teague if the subject site is conforming. Planner Teague responded the site as it exists today is non-conforming.

Commissioner Carr noted the front yard setback variance request illustrated on the plans and inquired if the City has established a formula in the greater Southdale area to “achieve” a uniform front yard setback. Continuing, Carr stated in her opinion it appears there is a hodgepodge of front yard setbacks in the area, with some recently approved. Planner Teague responded that Commissioner Carr is correct; there isn’t an established front yard setback formula for the greater Southdale area. Carr said she would like to see the City draft a uniform plan/policy/guide on front yard setback and the buildings relationship to the street. Carr pointed out the City is working toward creating a living streets policy, adding it would be important to establish standards for sidewalks, boulevards (trees in-off), landscaping, etc.

Commissioner Scherer referred to the mechanicals for the building, adding attention to the noise emitted from the chiller needs to be considered. Scherer explained in the past the City had chillers relocated because they violated noise standards. She suggested that the applicant “test” the chiller noise to ensure it’s properly located. Continuing, Scherer said she also agrees with the comments from Commissioner Carr and her suggestion that the City consider establishing consistent front yard setbacks and boulevard treatment for the Southdale area.

Commissioner Olsen asked Planner Teague how the affordable housing element is enforced. Planner Teague responded the property owner must provide written confirmation.

Applicant Presentation

Ms. Koplin addressed the Commission introducing members of the development team; Eliana Carter, rsp, David Die, Yorktown Continental.

Ms. Carter delivered a power point presentation highlighting aspects of the project. She said it was very important that the new building provides community and a sense of dignity as people age. The intent of the new building is to become a “sister” building to the existing Yorktown Continental, which is currently undergoing major renovations. The “sister” buildings are of a different scale; however, they have focused on integrating the two buildings by using similar organizing elements with the exterior expression. Continuing, Carter said the connection between buildings through the common courtyard is very important for the project. She added a protected drop-off area is proposed for the new building and they are considering a heated walkway between structures. Carter further reported that all deliveries would be accommodated inside the building. Ms. Carter concluded that the first floor is proposed as an activity zone for both buildings and the 4th floor would contain the memory care units.

Commissioner Forrest reiterated the need to “test” the noise emitting from the chiller before placing it in the designated area to ensure it doesn’t violate limits. Forrest further stated she’s bothered by the size of the building wall along York Avenue; adding it looms, suggesting that the applicant introduce podium height to soften the impact.

Commissioner Platteter commented in his opinion the proposed building is set too close to York Avenue. Platteter further stated he would like the building façade to appear more welcoming questioning if there is a door onto York Avenue. Continuing, Platteter said more articulation could also be added to the south façade to break up the mass. Platteter said he would echo Commissioner Forrest’s comment concerning chiller noise. Concluding, Platteter further questioned the right turn radius into the ramp, adding to him the radius appeared rather tight.

Ms. Koplin told the Commission the siting of the building closer to York Avenue was at the request of the Commission. In response to the question about a front door Ms. Koplin indicated there isn’t a front door because of safety concerns.

Commissioner Forrest pointed out without a door on York Avenue a resident of the building would have a long walk to the bus stop.

Public Hearing

Chair Staunton opened the public hearing.

The following residents spoke to the issues:

Bernice Brown, 7151 York Avenue

Daniel Spear, 7151 York Avenue

Sara Amaden, 7151 York Avenue

Chair Staunton asked if anyone else would like to speak to the issue; being none, Commissioner Carr moved to close the public hearing. Commissioner Platteter seconded the motion. Motion carried.

Discussion

In response to comments made regarding the entrance to the building Ms. Carter informed the Commission that the current redesign and remodeling of the existing building also includes relocating the current entrance to the other side of the building.

Chair Staunton referred to the buildings as being “sister” buildings and asked if tenants in the existing building at 7151 York Avenue can easily move across to the new building. Ms. Koplin explained that movement can occur; however, there are two different property owners and requirements with much depending on the individual’s financial status. Koplin reiterated all units in the new building are available to residents of the existing building; however, if they require an “affordable” unit there could be a wait because the new building has 10 affordable units. Koplin further noted that the majority of the units in the 7151 building are “affordable” units.

Commissioner Forrest asked the applicant to reconsider internal traffic flow, adding she has some concerns including the turn radius previously mentioned by Commissioner Platteter. Ms. Koplin responded they would review the turn radius into the ramp as suggested.

Chair Staunton noted that the applicant is also requesting a preliminary plat and asked Planner Teague how the City measures density on a site like this. Planner Teague responded that the site(s) is considered one tract; even if there would be two lots.

The discussion ensued with Commissioners summarizing the following:

- The Commission acknowledged they suggested that the building be moved closer to York Avenue at Sketch Plan review however, were disappointed in the result for the following reasons: a) no door onto York Avenue; b) more detail and articulation is needed on the York Avenue elevation, consider using podium height as depicted in the Comprehensive Plan (the building appears to “loom” over York Avenue); c) more detail is needed on the porch facing York Avenue, d) add interest to the south sidewall , e) provide more landscaping.
- Reconsider the interior circulation and turning movements of vehicles;
- Revisit the ramp access, especially the turning radius;
- With regard to deliveries consider establishing time frames for deliveries that don’t coincide with resident movements;
- Continue to work with the MTC on the bus stop; there needs to be connectivity from the new building to the public bus stop;
- Keep the goals of the Comprehensive Plan in mind when considering redevelopment (podium height)
- Reconsider the impact of the proposed building on the existing building.

- Take another look at the chiller and its proposed location to ensure the noise from the chiller doesn't violate noise standards and negatively impact the residents of 7151.

A discussion ensued between Commissioners on the need to provide more consistent directions to applicants at Sketch Plan review. The Commission acknowledged they suggested moving the building closer to the street; however didn't achieve their goal. Commissioners indicated at this time they believe there hasn't been enough study on establishing a consistent front street setback in the greater Southdale area and what that setback should look like. It was further noted that bringing buildings closer to the street is only part of the equation. Continuing, Commissioners stated if the City desires a more urban landscape there should be guidelines that create an active street front that engages the street; not just a building moved closer to the street. Planner Teague responded the Commissions goal in suggesting that an applicant(s) locate buildings closer to the street was the result of their desire to eliminate viewing a "sea" of parking lots in front of buildings (which was the way the City was previously developed). Concluding, Teague said if the City were to establish a specific front yard setback number in the greater Southdale area the City could lose negotiating tools.

Chair Staunton commented it appears that the City is experiencing an increase in requests for multifamily buildings in the greater Southdale area. Staunton said he is becoming a bit nervous about density adding this may be the time to initiate further study on this issue, adding he is speaking about long range discussions. Concluding, Staunton said he can support the request for increased density at this site; however, is concerned with the density increases happening throughout the area.

Ms. Koplin stated she wants to resolve any issues and deliver a great product.

Motion

Commissioner Platteter moved to recommend site plan approval with variances based on staff findings, subject to staff conditions with the following recommendations:

- **Noise study be done for the rooftop mechanical equipment to ensure code compliance**
- **Review turning radius to ramp**
- **Reconsider a front entry facing York**
- **Continue working with MTC on the bus stop**
- **Increase landscaping**
- **Add articulation to the south building wall**
- **Develop a Proof of Parking Agreement**
- **Submittal of a plan of how the sustainable goals will be met**

Commissioner Olsen seconded the motion.

Commissioner Scherer stated she can't support the request as submitted because the building is too close to the street. Commissioner Carr also indicated she cannot support the request as presented.

Ayes; Olsen, Platteter Staunton. Nays, Forrest, Carr Scherer. Motion failed 3-3.

Motion

Commissioner Platteter moved to recommend Preliminary Plat approval based on staff findings and subject to staff conditions. Commissioner Olsen seconded the motion. All voted aye; motion carried.

VII. REPORTS/RECOMMENDATIONS

A. Appointment of the Planning Team for Wooddale/Valley View

Planner Teague informed the Commission that he along with Commissioners Lee and Forrest interviewed residents to "join" the Wooddale/Valley View Small Area Plan team. Teague explained their goal was to find a diverse group, adding he believes that goal was accomplished. Continuing, Forrest said they believe the members chosen are a good representation of the immediate area including business owners and residents of both the Concord and Pamela Park neighborhoods.

Planner Teague report the following were appointed to the Wooddale/Valley View Small Area Plan team: Robert Burley, Connie Carrino, Brian Durst, Carrie Fordahl, Becky Melang, Rita Paris and Jim Schedin.

Chair Staunton said he hopes the group will engage those that weren't chosen to serve. Commissioner Forrest responded that everyone is welcome to participate in the discussions.

Commissioner Forrest moved to appoint Robert Burley, Connie Carrino, Brian Durst, Carrie Fordahl, Becky Melang, Rita Paris and Jim Schedin to the Wooddale/Valley View Small Area Plan work team. Commissioner Scherer seconded the motion. All voted aye; motion carried.

B. Conflict of Interest/Bylaws

Planner Teague reported the Commission has been studying bylaws especially as it relates to conflict of interest and presented to the Commission text changes to the bylaws.

A discussion ensued with Commissioners in agreement that there be a uniform policy. Continuing, Commissioners noted that the perception of a conflict is an issue and members should disclose their

relationship (if any) with an applicant. Commissioners suggested that the City attorney weigh in with his thoughts on the matter and continue this issue to the next meeting of the Commission.

C. Ordinance Amendments/First Floor Elevation

Planner Teague stated this is an issue the Commission has been struggling with in trying to clarify the intent of the first floor elevation requirement. Teague explained that currently there is no definition for entry level adding this rule is particularly difficult with split level homes.

A discussion ensued with Commissioners requesting more information from other Cities. It was further suggested that the City revisit the requirement for Conditional Use and the 1-foot rule noting this ordinance was drafted in response to a moratorium on variances.

Planner Teague said he would look at how other cities handle this issue and bring more information back to the Commission for their review.

VIII. CORRESPONDENCE AND PETITIONS

Chair Staunton acknowledged back of packet materials.

IX. CHAIR AND COMMISSION MEMBER COMMENTS

Commissioners Carr and Platteter briefed the Commission on what's happening with the Living Streets work group.

Commissioner Carr suggested that the Commission elect a Secretary at one of their upcoming meetings.

X. STAFF COMMENTS

Planner Teague reported that the City is advertising for a replacement for Commissioner Potts, adding he would keep the Commission apprised of the progress.

XI. ADJOURNMENT

Commissioner Scherer moved meeting adjournment at 10:50 pm. Commissioner Platteter seconded the motion. All voted aye; motion to adjourn carried.

Respectfully submitted